

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

Bail Appl..No. 7225 of 2007()

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(C.C.807/06, JFCM COURT, MAVELIKKARA)**

PETITIONER/2ND ACCUSED:

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AZEEZ, LOTUS COTTAGE,
PULLIKANAKKU P.O., KAYAMKULAM.**

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)

RESPONDENTS: STATE AND COMPLAINANT:

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- 1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**
 - 2. T.THANKAMANI, PUNNOOR HOUSE,
KAITHA THEKKU, KANNAMANGALAM VILLAGE,
MAVELIKKARA TALUK.**

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26/11/2007,THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

R. BASANT, J.

.....
B.A. No. 7225 OF 2007
.....

Dated this the 26th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioner apprehends arrest and detention as the 2nd accused in C.C.807/06 on the file of Judicial First Class Magistrate Court, Mavelikara. The petitioner faces allegations for offences punishable under Sections 420 and 406 read with 34 IPC.

2. The alleged incident took place on 15.1.05. The police had registered a crime. They conducted investigation and not satisfied that the petitioner deserves to be proceeded against. The crime was referred as mistake of fact by the police. Thereafter, a private complaint was filed against the petitioner and cognizance has been taken by the learned Magistrate.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before the learned Magistrate. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary.

Sufficient general directions have been issued in ***Alice George Vs. Deputy Superintendent of Police*** [2003 (1) KLT 339].

4. In the result, this petition is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

5. There shall be an interim direction that the warrant of arrest issued against the petitioner by the learned Magistrate shall not be executed till 3.12.2007. On or before that date the petitioner shall appear before the learned Magistrate and seek regular bail.

(R.BASANT, JUDGE)

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